



03-27-03

AF/1700
Response Under 37 CFR 1.116
Expedited Procedure
Examining Group 1764

SYMYX/7 CON1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Yumin Liu
Application No. : 09/815,914 Confirmation No. : 7459
Filed : March 22, 2001
For : PROCESSES FOR OXIDATIVE DEHYDROGENATION
Group Art Unit : 1764
Examiner : Tam M. Nguyen

New York, New York 10020
March 24, 2003

Hon. Commissioner for Patents
Washington, D.C. 20231

TRANSMITTAL LETTER

RECEIVED
MAR 28 2003
GROUP 1700

Sir:

Transmitted herewith: [X] Amendment and Reply to
Office Action with Exhibits A-D; [X] Petition Under 37 C.F.R.
§ 1.136(a) for Extension of Time (in duplicate); to be filed
in the above-identified patent application.

FEE FOR ADDITIONAL CLAIMS

[X] A fee for additional claims is not required.

[] A fee for additional claims is required.

Express Mail No.
EV242441335US

The additional fee has been calculated as shown

below:

CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEES
TOTAL CLAIMS	18 - 20 =	0 X	\$ 18 =	\$ 0.00
INDEPENDENT CLAIMS	4 - 4 =	0 X	\$ 84 =	\$ 0.00
FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM		+	\$280 =	\$ 0.00
				TOTAL <u>\$ 0.00</u>

- ☐ A check in the amount of \$_____ in payment of the filing fee is transmitted herewith.
- ☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 C.F.R. § 1.16, in connection with the paper(s) transmitted herewith, or credit any overpayment of same, to Deposit Account No. 06-1075. A duplicate copy of this transmittal letter is transmitted herewith.
- ☐ Please charge \$_____ to Deposit Account No. 06-1075 in payment of the filing fee. A duplicate copy of this transmittal letter is transmitted herewith.

EXTENSION FEE

[X] The following extension is applicable to the Response filed herewith; [X] \$110.00 extension fee for response within first month pursuant to 37 C.F.R. § 1.136(a); [] \$410.00 extension fee for response within second month pursuant to 37 C.F.R. § 1.136(a); [] \$930.00 extension fee for response within third month pursuant to 37 C.F.R. § 1.136(a); [] \$1,450.00 extension fee for response within fourth month pursuant to 37 C.F.R. § 1.136(a); [] \$1,970.00 extension fee for response within fifth month pursuant to 37 C.F.R. § 1.136(a).

[X] A check in the amount of [X] \$110.00; [] \$410.00; [] \$930.00; [] \$1,450.00; [] \$1,970.00 in payment of the extension fee is transmitted herewith.

[X] The Director is hereby authorized to charge payment of any additional fees required under 37 C.F.R. § 1.17 in connection with the paper(s) transmitted herewith, or to credit any overpayment of same, to Deposit Account No. 06-1075. A duplicate copy of this transmittal letter is transmitted herewith.

[] Please charge the [] \$110.00; [] \$410.00; [] \$930.00; [] \$1,450.00; [] \$1,970.00; extension fee to Deposit Account No. 06-1075. A duplicate copy of this transmittal letter is transmitted herewith.

Karen E. Brown

Pablo D. Hendler (Reg. No. 40,015)
Attorney for Applicant
Karen E. Brown (Reg. No. 43,866)
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Response Under 37 CFR 1.116
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PATENTS
SYMXX/7 CON1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Yumin Liu
Application No.: 09/815,914 Confirmation No.: 7459
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For : PROCESSES FOR OXIDATIVE DEHYDROGENATION
Group Art Unit : 1764
Examiner : Tam M. Nguyen

Box AF
Hon. Commissioner for Patents New York, New York 10020
P.O. Box 2327 March 24, 2003
Arlington, VA 22202

EXPRESS MAIL CERTIFICATION

Express Mail Label No. EV242441335US

Date of Deposit: March 24, 2003

I hereby certify that this certification and the following papers and fees:

1. Transmittal Letter (in duplicate);
2. Amendment and Reply to Office Action with Exhibits A-D;
3. Petition Under 37 C.F.R. 1.136(a) for Extension of Time (in duplicate);
4. Check in the amount of \$110.00; and
5. Postcard

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and are addressed to Box AF, Hon. Commissioner for Patents, P.O. Box 2327, Arlington, VA 22202.

Lillian Garcia
Name: Lillian Garcia

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MAR 28 2003
GROUP 1700



PENNIE & EDMONDS LLP L...KET NO. 10460-013-999

Express Mail No.: EL 451 596 438 US**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**Prior application: Examiner Nguyen, T.Art Unit 1764Assistant Commissioner for Patents
Box PATENT APPLICATION
Washington, D.C. 20231

Sir:

This is a request for filing a ☒ continuation ☐ divisional application under 37 CFR § 1.53(b), of pending prior application no. 09/255,371 filed on February 22, 1999.

of Yumin Liu (inventor(s) currently of record in prior application)for PROCESSES FOR OXIDATIVE DEHYDROGENATION (title of invention)

1. ☒ The filing fee is calculated below:

PATENT APPLICATION FEE VALUE

TYPE	NO. FILED	LESS	EXTRA	EXTRA RATE	FEE
Total Claims	16	-20	0	\$18.00 each	\$ 0.00
Independent	4	-3	1	\$80.00 each	\$ 80.00
Basic Fee					\$ 710.00
Multiple Dependency Fee If Applicable (\$270.00)					\$ 0.00
Total					\$ 790.00
50% Reduction for Independent Inventor, Nonprofit Organization or Small Business Concern					\$ 395.00
Total Filing Fee					\$ 395.00

2. ☒ Please charge the required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150. A copy of this sheet is enclosed.
3. ☒ Amend the specification by inserting before the first line the following sentence: This is a continuation, division, of application no. 09/255,371, filed February 22, 1999.
- 4a. ☐ Transfer the drawings from the prior application to this application and abandon the prior application as of the filing date accorded this

application. A duplicate copy of this sheet is enclosed for filing in the prior application file.

- 4b. ☐ New formal drawings are enclosed.
- 4c. ☐ Informal drawings are enclosed.
- 5a. ☐ Priority of application no. filed on in is claimed under 35 U.S.C. §119.
- 5b. ☐ The certified copy has been filed in prior application no. , filed .
- 6. ☒ The prior application is assigned of record to Symyx Technologies, Inc..
- 7a. ☒ A Revocation and Substitution of Power of Attorney to Pennie & Edmonds LLP appears in the prior application no. 09/255,371 , filed February 22, 1999 , a copy is enclosed.
- 7b. ☐ Since the Power of Attorney does not appear in the original papers; a copy of the Power in prior application no. , filed is enclosed.
- 8. ☐ This application contains nucleic acid and/or amino acid sequences required to be disclosed in a Sequence Listing under 37 CFR §§1.821-1.825. It is requested that the Sequence Listing in computer readable form from prior application no., filed on be made a part of the present application as provided for by 37 C.F.R. §1.821(e). The sequences disclosed therein are the same as the sequences disclosed in this application. A copy of the paper Sequence Listing from application no. is enclosed.
- 9. ☐ The undersigned states, under 37 C.F.R. §1.821(f), that the content of the enclosed paper Sequence Listing from application no. is the same as the content of the computer readable form submitted in application no. .
- 10. ☒ Additional enclosures or instructions:
 - Enclosed is a copy of the application and Declaration as filed in the prior application;
 - Please enter the enclosed Preliminary Amendment before calculating the filing fee;
 - Information Disclosure Statement, PTO Forms 1449 without references.

Respectfully submitted,

Date 3/22/01

Sunil K Singh 45,298
 Sunil K. Singh (Reg. No.)
 for Samuel B. Abrams (Reg. No. 30,605)
 PENNIE & EDMONDS LLP
 1155 Avenue of the Americas
 New York, N.Y. 10036-2711
 (212) 790-9090



UNITED STATES PATENT AND TRADEMARK OFFICE

 COMMISSIONER FOR PATENTS
 UNITED STATES PATENT AND TRADEMARK OFFICE
 WASHINGTON, D.C. 20231
 www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO.	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/815,914 ✓	03/22/2001 ✓	1764 ✓	395	10460-013-999 ✓	2	16	4

CONFIRMATION NO. 7459 ✓

FILING RECEIPT



OC00000006068141

 PENNIE & EDMONDS LLP
 1155 Avenue of the Americas
 New York, NY 10036-2711

Date Mailed: 05/11/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Yumin Liu, Santa Clara, CA; ✓

Assignment For Published Patent Application

Symyx Technologies, Inc.; ✓

Domestic Priority data as claimed by applicant

THIS APPLICATION IS A CON OF 09/255,371 02/22/1999 ✓

Foreign Applications

If Required, Foreign Filing License Granted 05/10/2001

Projected Publication Date: 08/23/2001

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY ** ✓

Title

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 PENNIE & EDMONDS

 MAY 21 2001
 S. Singh - 293B
 OF OFFICE

REFERRED TO <u>Rivera</u> REC'D <u>Singh</u> MAY 22 2001 Pennie & Edmonds O.K. for filing

Processes for oxidative dehydrogenation ✓

Preliminary Class
585

Data entry by : DOAN, VIET

Team : OIPE

Date: 05/11/2001



**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15 (b).

PLEASE NOTE the following information about the Filing Receipt:

- The articles such as "a," "an" and "the" are not included as the first words in the title of an application. They are considered to be unnecessary to the understanding of the title.
- The words "new," "improved," "improvements in" or "relating to" are not included as first words in the title of an application because a patent application, by nature, is a new idea or improvement.
- The title may be truncated if it consists of more than 500 characters (letters and spaces combined).
- The docket number allows a maximum of 25 characters.
- If your application was submitted under 37 CFR 1.10, your filing date should be the "date in" found on the Express Mail label. If there is a discrepancy, you should submit a request for a corrected Filing Receipt along with a copy of the Express Mail label showing the "date in."
- The title is recorded in sentence case.

Any corrections that may need to be done to your Filing Receipt should be directed to:

Assistant Commissioner for Patents
Office of Initial Patent Examination
Customer Service Center
Washington, DC 20231